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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MARTINEZ, JOSEPH P	

ART UNIT	PAPER NUMBER
2873	

MAIL DATE	DELIVERY MODE
03/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,439	MUEHLHOFF ET AL.	
	Examiner	Art Unit	
	JOSEPH MARTINEZ	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5-15-06, 10-3-08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14, 15, 17-21, 23-27 and 29-32 are rejected under 35 U.S.C. 102(b) as being fully anticipated by Dewey (5548352).

Re claim 14, Dewey teaches for example in fig. 2 and 4, an adapter (61) for coupling a laser processing device (10) to an object (eye), said adapter comprising: a central region (66) movable into a laser beam path of a laser processing device (fig. 2); an illumination beam path through which illumination radiation can be guided for illumination of an object field of an object, the object field coverable by said central region (col. 6, ln. 13-14); and a peripheral region (at 72) located outside said central region by which the adapter can be mounted (via 62) on at least one of the object or the laser processing device (fig. 2), wherein said illumination beam path is guided in said peripheral region and carries said illumination radiation, coupled into said peripheral region, to said object field in at least one of the following ways: directly and via said central region (col. 6, ln. 13-14).

Re claim 27, Dewey teaches for example in fig. 2 and 4, an adapter (61) for coupling a laser processing device (10) to an object (eye), said adapter comprising: a central region (66) movable into a laser beam path of a laser processing device (fig. 2); an illumination beam path through which illumination radiation can be guided for illumination of an object field of an object, said object field coverable by said central region (col. 6, ln. 13-14); and a peripheral region exterior said central region (at 72), wherein the adapter can be mounted on at least one of the object or the laser processing device (fig. 2), and wherein said illumination beam path can be guided in said peripheral region and carries said illumination radiation to said object field directly or through said central region (col. 6, ln. 13-14).

Re claim 15, Dewey further teaches for example in fig. 2 and 4, said central region comprises a contact glass (64) to be placed on the object and said peripheral region comprises a contact glass mount (62).

Re claim 17, Dewey further teaches for example in fig. 2 and 4, said mount comprises a material transparent for illumination radiation, the material selected from the group consisting of: PMMA (col. 7, ln. 7-11).

Re claims 18 and 29, Dewey further teaches for example in fig. 2 and 4, a coupling unit (72) for said illumination radiation, said coupling unit being provided at said peripheral region (fig. 4).

Re claims 19 and 30, Dewey further teaches for example in fig. 2 and 4, coupling unit comprises an imaging effect for said illumination radiation and comprises an interface selected from the group consisting of: a convex interface (fig. 4).

Re claims 20 and 31, Dewey further teaches for example in fig. 2 and 4, a reflecting surface (70) and a plurality of coupling units (72), wherein said reflecting surface is segmented into facets and wherein each coupling unit has one or more of said facets assigned to it (fig. 4).

Re claim 21, Dewey further teaches for example in fig. 2 and 4, said coupling unit comprises a dielectric layer (70) for spectral filtering or reduction of reflections.

Re claim 23, Dewey further teaches for example in fig. 2 and 4, annular contacts enabling contact to be made in any rotary position relative to the laser processing device are provided at said peripheral region (at 62).

Re claim 24, Dewey further teaches for example in fig. 2 and 4, said peripheral region comprises an outside surface that reflects said illumination radiation (col. 7, ln. 20-22).

Re claim 25, Dewey further teaches for example in fig. 2 and 4, said reflecting surface has an imaging effect for said illumination radiation (col. 7, ln. 18-20).

Re claim 26, Dewey further teaches for example in fig. 2 and 4, said central and peripheral regions are integral (fig. 4).

Re claim 32, Dewey further teaches for example in fig. 2 and 4, said peripheral region comprises an outside surface that reflects said illumination radiation (col. 7, ln. 20-22), said outside surface comprising an imaging effect for said illumination radiation (col. 7, ln. 18-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16, 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewey (5548352).

Re claim 16, supra claim 15. Dewey further teaches for example in fig. 2 and 4, an adhesive layer is provided between said contact glass mount and said contact glass (col. 6, ln. 38-39).

But, Dewey fails to explicitly teach said adhesive layer having a refractive index intermediate the refractive index of said contact glass mount and said contact glass.

Official Notice taken. The refractive index of said adhesive layer would have to be intermediate the refractive index of said contact glass mount and said contact glass in order to pass light and make the device operable.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dewey in order to pass light, as taught by Dewey, (fig. 2).

Re claim 22, supra claim 18. Dewey further teaches for example in fig. 2 and 4, said coupling unit comprises light source mounted to said peripheral region (fig. 2).

But, Dewey fails to explicitly teach an LED.

Official Notice taken. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an LED, since LEDs and light sources are known equivalents in the art and the selection of any of these known equivalents would be within the level of ordinary skill in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dewey in order to provide

illumination necessary for the physician to view the interior of the eye, as taught by Dewey (col. 2, ln. 51-56).

Re claim 28, supra claim 27. Dewey further teaches for example in fig. 2 and 4, said central region comprises a contact glass operably coupleable to a contact glass mount provided at said peripheral region, and wherein an adhesive layer is provided between said contact glass mount and said contact glass (col. 6, ln. 38-39).

But, Dewey fails to explicitly teach said adhesive layer having a refractive index intermediate the refractive index of said contact glass mount and said contact glass.

Official Notice taken. The refractive index of said adhesive layer would have to be intermediate the refractive index of said contact glass mount and said contact glass in order to pass light and make the device operable.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dewey in order to pass light, as taught by Dewey, (fig. 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph P. Martinez whose telephone number is 571-272-2335. The examiner can normally be reached on M-F 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph Martinez/
Primary Examiner
AU 2873
2-27-09